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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LINDA BRADLEY, et al.,

Plaintiffs,

v.

T-MOBILE US, INC., et al.,

Defendants.

CASE NO. 5:17-cv-07232-BLF

**DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO STRIKE, OR IN
THE ALTERNATIVE, FOR LEAVE TO FILE
RESPONSE TO, STATEMENT OF RECENT
DECISION**

Hearing:

Date: April 18, 2019

Time: 9:00 a.m.

Place: San Jose Courthouse, Courtroom 3

Judge: Hon. Beth L. Freeman

On January 26, 2019, pursuant to Local Rule 7-3(d)(2), Defendants filed a Statement of Recent Decision regarding *Kleber v. Carefusion Corp.*, No. 17-1206 (7th Cir. Jan. 23, 2019) (en banc). Dkt. 107. Plaintiffs now move to strike Defendants' Statement of Recent Decision, or in the alternative, for leave to submit a proposed response, because Plaintiffs claim that "Defendants' submission violates Local Rule 7-3(d)(2)'s instruction to provide 'a citation to and . . . a copy of the new opinion—without argument.'" Dkt. 108.

Defendants oppose Plaintiffs' Motion to Strike because Defendants' Statement of Recent Decision complies with Local Rule 7-3(d)(2). Defendants' Statement of Recent Decision contains no argument. Rather, for the Court's convenience, Defendants cited the relevant portions of the record, including the specific portions of the 103 pages of briefing regarding Defendants' pending Motions to Dismiss to which the *Kleber* decision is relevant, and quoted the decision's holding. Dkt. 107. If the Court feels these citations are too argumentative and are inconsistent with the Local Rules, Defendants respectfully suggest that the Court simply strike that sentence from the Statement. The Court should deny Plaintiffs' Motion and disregard Plaintiffs' proposed argumentative response.

Dated: February 4, 2019

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Respectfully submitted,

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SIGNATURE ATTESTATION

I, Jason C. Schwartz, am the ECF User whose identification and password are being used to file the foregoing document. Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained.

Dated: February 4, 2019

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